G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1899-00
~~191~~.
Police )

# File No. 85

# Serial Nos. 1-4

# Papers Filed.

*Month* July 1899.

SUBJECT.

Arrest without an Extradition Warrant by the Mysore Police, in the Arsikere district

P Giri Rau

| PREVIOUS REFERENCES. | LATER REFERENCES. |
|---|---|
| | |

Correspondence
B.

SECTION Pol

FILE No. 85 of 00

SERIAL No. 1

(General Serial No. 304) 167 S Jul 1899

OFFICE OF THE DIWAN OF MYSORE.

J 18. 9

From The District Magistrate Chitaldurg

To The Chief Secretary to the Government Dewan of Mysore. Genl and Rev. Deptts Bangalore

Dated 3rd
Despatched 5th
Received July 1899

Enclosures No. One file of record.

General No. 8

No. 8

Soliciting instructions re the arrest without an Extradition warrant, by the Mysore Police, of Immia and four others, accused of the offence of theft under Section 379 of the I. P. C., committed in the Taluk of Kalyandurg Taluk, Anantapur District.

References to the marked.

J. F. No. 207 1899-ED in the subject now is put up. BB 6/7/99

P. S. 5/9

M. G. C. P.—31-1-94.—3000.

1899

SECTION
FILE NO.
SERIAL NO.

Office of the District
Magistrate of Chitaldrug
Dated 3rd July 1899

No. 8/8 Enc. 1 file of record

From

The District-Magistrate
Chitaldrug

To

The Secretary to the
Government of
Mysore
Genl. and Rev. Depts.
Bangalore.

Sir,

I have the honor to
state that Constable no. 337
of the Settur Station of the
Kalyandrug Taluk in the
Anantapur District proceeded
on the 14th June 1899 before
the Amildar and 2nd class
Magistrate of Chellekere
for endorsement - 5 warrants
issued

x / Ivuma alias Hanumanta
/ Gouda
/ Lingiya alias Valya
/ Narasimha
/ Hanumantaya

issued by the 2nd class Magistrate of Kalyandurg Taluk for the arrest of the marginally noted 5 accused persons charged with the offence of committing theft of sheep in the village of Pilpalli of the Kalyandurg Taluk. The accused were reported to have fled into this Province and were residing in the village of Srivala of the Chellekere Taluk.

2. The Taluk Magistrate of Chellekere having felt some doubt as to whether he could endorse the warrants which had not been received through proper channel as laid down in the Police order regarding the arrests in Foreign Territory

Territory referred the matter for my orders.

3. On a reference to the correspondence ending with Government Proceedings No. 6226-35 of the 18th November D668 898, I thought that when any persons residing in a Foreign State are wanted by the Magistracy of the British Territory for trial on charges of offences for which extradition can be demanded, a warrant should be sent through the Political Agent for the surrender of such persons. As this procedure was not adopted in the present case I declined to order the surrender of the accused persons to the British Police, and at the same time took precautions to

to have the said persons arrested and remanded to lock-up pending receipt of a formal warrant through the proper channel, as they seemed to have no permanent place of abode.

4. Accordingly, 4 of the 5 accused persons, viz, Jumna alias Hanumanta, Govinda, Sanjeeva alias Volja and Narsimha were arrested at Obalapur on the 18th ~ ultimo and were produced before the Amildar Magistrate of Chellekere for remanding them to lock-up, pending receipt of application from the British Authorities.

5. In the meantime, ~ letter no. 321 dated 30th June 1899 was received from

from the District-Magistrate of Anantapur accompanied by a Statement of the evidence forthcoming in the case against the said accused persons. In that letter the District-Magistrate requests me to issue a warrant for arresting those persons and to deliver them up.

6. I even now feel doubt whether all the requirements of the Standing orders of the Madras Government have been complied with and whether the application should not be made through the British Resident in Mysore.

7. I beg therefore that instructions may be issued in the matter. If the Government think that necessary

application

application showed the 6
received through the British
Resident for the surrender
of those persons, the Resident
may be kindly moved to
issue necessary instructions
to the Magistracy in this
British Territory for adopting
the proper course in the
matter.

8. The entire correspon-
dence on the subject is
herewith submitted for
reference

I have the honor to be
Sir,
Your most obedient Servant

District Magistrate

(10) 7

SECTION PoP
FILE No. 85 : 99
SERIAL No. 2

Copy of telegram sent to the District magistrate, Chitaldo
July 1899.

"Please summon the Anantapur magistrate, Thimma, Govinda, Sanjeevah, Narasimha, and Hanumanta immediately. Refer to Durbar's letter para 2 and Resident's letter para 4 printed with Proceedings dated 18th November last. Order follows."

Subj. Secy.
The 'Police Order' printed at page 36 of the Govt. Proc. of the Mil. Dept. read

along with jnrd
of the Residents' letter
of the 19th Sept-/98
including portion of
and para 4 of the
Durban's letter of the
2nd idem printed in
the same Prof. is apt
& misleading and
I accly. submit for
approval a draft
order pointing out that
the Police Order ref. to
is out of place in the
said Prof.

18/7/98-

1023

J91. dated 19th July 1899.

(11)

SECTION — Pol

FILE No. 85 of 99

SERIAL No. 3.

Trans copy please
Above please 4
18-7-99

To

The Private Secretary
to the Resident in Mysore

Sir,

I am directed to forward for the information of the Resident herewith a Local enquiry of the Kittaldrug D.C. having under a miscellaneous draft of the Police under suspected from the Madras Govt. under No. 219, Political of 12th April 1875, with your letter No. 5679 dated 22nd Oct 98, 320-98 dated 7th December 98, addressed to the Kalyandrug Police Translation of one Thimma alias Hanumanthu & 3 others arrested at Challakere on the 18th June last

Please show this to the Resident in Mysore

18-7-99

Sim. 19/7/99

under instructions issued
by the Tribunal of the
Chief Magistrate of the
Kalyandroog Talook &
sought the instructions
of the Durbar on
the subject and
upon being made
Instructions of the Tribunal on the 15th June
by their Direction
to arrest for the
immediate punishment
of the said accused persons
who were under custody in the Kellakkee Cutcherry
& also to enquire
into any inconveniences
which may have been
caused by the erroneous
decision of the Tribunal
Magistrate & to report
the same to you com-
municating the Name
of the Madras Court. A circular order in writing
I have &c
1817/99
Mr Cole
Chief Secy
to Govt
Mysore
To the attention of
all Magistrates in
Mysore
Notification No
111 of the 23rd July
1878 issued by

SECTION 701

FILE NO. 85799

SER AI NO. 4

Read at (12)

April 1935 which
appears at page 3
of the Govt. Proc.
No. 622 C - 35 & 15th
Nov. 1935
Nov. 198 referred
to by him. That
order has no appli-
cation to the Mysore
State in which the
section of Magistrates
Police officers in
respect of Crimi-
nal Proceedings by
Magistrates having juris-
diction in British
India is regulated
by the late Chief Comm

Notification No.
1118 23rd July 1938
read above the
correct procedure
in such cases is
further explained
in para 1 of the
Durbar letter No.
3038/C.335 of the 2nd Sept-
1938 as also in para
4 of the Residency
letter No. 4830-320
819-2 dated 13th
the Govt. proposal
referred to in the
present case, therefore
the arrest of the
persons concerned by

the warrants pro-
duced by the Constable
of the Sattur Station
of the Kalyandurg
Taluq was perfectly
legal and their
surrender to the
British Authorities
should not have
been delayed.

U. 18/7/99

Secy-

To, The Dt. Magte of Chitaldrug
& remaining enclosures.

All the other Dt. Magtes
The Inspr. Genl. of Police
The Regr. of the Chief Court of Mysore.

1899-1900 (12)

# GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

*Dated 19th July 1899*

No. 1075-84 J. 93

Commenting on the delay in surrendering certain accused persons, who were arrested in the Challakere taluk, Chitaldrug district, under warrants issued by the 2nd Class Magistrate of the Kalyanidrug taluk; and inviting attention to the late Chief Commissioner's Notification No. 111, dated the 23rd July 1878, prescribing the procedure to be adopted in such cases.

SBP—28-7-99—200

READ—

*Letter No. 8—S, dated the 3rd July 1899, from the District Magistrate of Chitaldrug, to the Secretary to the Government of Mysore—*

I have the honor to state that constable No. 337, of the Settur station of the Kalyanidrug taluk in the Anantapur district, produced, on the 14th June 1899, before the Amildar and 2nd Class Magistrate of Challakere for endorsement, 5 warrants issued by the 2nd Class Magistrate of Kalyanidrug taluk for the arrest of the marginally noted 5 accused persons charged with the offence of committing theft of sheep in the village of Pilpalli of the Kalyanidrug taluk. The accused were reported to have fled into this Province and were residing in the village of Siravala of the Challakere taluk.

1. Timma alias Hanumanta.
2. Govinda.
3. Sanjiva alias Voliga.
4. Narasimha.
5. Hanumantaon.

(2) The Taluk Magistrate of Challakere having felt some doubt as to whether he could endorse the warrants which had not been received through proper channel, as laid down in the Police Order regarding the arrests in Foreign Territory, referred the matter for my orders.

(3) On a reference to the correspondence ending with Government Proceedings No. 6226-35—J. 668 of the 18th November 1898, I thought that when any persons residing in a Foreign State are wanted by the Magistracy of the British Territory for trial on charges of offences for which extradition can be demanded, a warrant should be sent through the Political Agent for the surrender of such persons. As this procedure was not adopted in the present case, I declined to order the surrender of the accused persons to the British Police, and at the same time took precautions to have the said persons arrested and remanded to lock-up pending receipt of a formal warrant through the proper channel, as they seemed to have no permanent place of abode.

(4) Accordingly 4 of the 5 accused persons, *viz.*, Timma *alias* Hanumanta, Govinda, Sanjiva *alias* Voliga and Narasimha were arrested at Obalapur on the 18th ultimo and were produced before the Amildar-Magistrate of Challakere for remanding them to lock-up, pending receipt of application from the British authorities.

(5) In the meantime, letter No. 321, dated 30th June 1899, was received from the District Magistrate of Anantapur accompanied by a statement of the evidence forthcoming in the case against the said accused persons. In that letter the District Magistrate requests me to issue a warrant for arresting those persons and to deliver them up.

(6) I even now feel doubt whether all the requirements of the Standing Orders of the Madras Government have been complied with and whether the application should not be made through the British Resident in Mysore.

(7) I beg therefore that instructions may be issued in the matter. If the Government think that necessary application should be received through the British Resident for the surrender of those persons, the Resident may be kindly moved to issue necessary instructions to the Magistracy in British Territory for adopting the proper course in the matter.

8. The entire correspondence on the subject is herewith submitted for reference.

*Judicial, dated 19th July 1899.*

*2. Notification No. 111, dated the 23rd July 1878, of the late Chief Commissioner of Mysore—*

Under the authority of His Excellency the Viceroy and Governor General in Council the Chief Commissioner directs that all criminal processes of whatsoever description, when issued by any Magistrate having jurisdiction in any District of British India, shall be acted upon and executed by all Magistrates and Police Officers in Mysore, under the same conditions, and in the same manner, as if such process had been issued by a Magistrate having jurisdiction in Mysore.

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No. 1075-84—J. 93, DATED BANGALORE, 19TH JULY 1899.

ORDER THEREON.—The District Magistrate has apparently been misled by the extract from the Madras Government Order No. 219, Political, dated 12th April 1875, which appears at page 5 of the Government Proceedings No. 6226-35—J. 668, dated 18th November 1898, referred to by him. That order has no application to the Mysore State in which the action of Magistrates and Police Officers in respect of criminal processes issued by Magistrates having jurisdiction in British India is regulated by the late Chief Commissioner's Notification No. 111, dated 3rd July 1878, read above. The correct procedure in such cases is further explained in para 2 of the Durbar's letter No. 3038—J. 335, dated the 2nd September 1898, as also in para 4 of the Resident's letter No. 1830—320, dated the 19th idem, printed in the Government Proceedings above referred to. In the present case, therefore, the arrest of the persons covered by the warrants produced by the constable of the Settur station of the Kalyanidrug taluk, was perfectly legal and their surrender to the British authorities should not have been delayed.

C. SREENIVASIENGAR,
*Secy. to Govt., Gen. & Rev. Depts.*

To—The District Magistrate of Chitaldrug, returning the enclosures.
The other District Magistrates.
The Inspector General of Police in Mysore.
The Registrar of the Chief Court of Mysore.

Exd.— L.A.R.